

RECEIVED

SEP 23 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Advanced Television Systems and)	MM Docket No. 87-268
Their Impact Upon the Existing)	
Television Broadcast Service)	

**JOINT OPPOSITION TO
PETITION FOR RECONSIDERATION**

Gannett Co., Inc., California Oregon Broadcasting, Inc., and Lee Enterprises Incorporated (KGUN), (collectively "Joint Petitioners"), by counsel and pursuant to Section 1.429 of the Commission's Rules, hereby submit their Joint Opposition to the Petition for Reconsideration filed by Community Broadcasters Association ("CBA") in the above-captioned proceeding on June 12, 1997, and the Supplement thereto filed by CBA on August 22, 1997 (collectively, "Petition").¹ The action requested by CBA -- the adoption of wholesale revisions to the digital television ("DTV") table of allotments approved recently by the Commission -- would create chaos in the planning of television broadcasters to construct DTV facilities, would cause significant delay in the transition to DTV, and accordingly, would not serve the public interest. Therefore, CBA's Petition should be denied.

¹ 62 Fed Reg. 47207.

No. of Copies rec'd 044
US - CDE

In its original Petition for Reconsideration filed June 12, 1997, CBA submitted a "modified" database of digital television channel allotments to replace the one painstakingly produced by the Commission and appended to the Sixth Report and Order in this proceeding.² In its Supplement, CBA filed a revised database designed to replace the one accompanying its June 12 filing. The replacement was necessary, according to CBA, because the June 12 table was the result of an erroneous computer run. In both pleadings, CBA urges the Commission to adopt the modified allotment table in order to protect existing low power television service ("LPTV") operations to the greatest extent possible. Alternatively, CBA urges further effort on the part of the Commission to devise a modified allotment table to protect the LPTV interests.

Honoring CBA's eleventh hour request would result in significant sacrifices on the part of the Commission and broadcasters in exchange for minimal benefit and would not serve the public interest. First, with respect to service priorities, the Commission already has decided to maintain the secondary status of LPTV. Sixth Report and Order at ¶ 141. Nonetheless, the Commission has gone to considerable lengths to provide LPTV licensees with substantial opportunities to maintain their service, including modification of interference measurement

² Sixth Report and Order, MM Docket No. 87-268, FCC 97-115 (April 3, 1997).

standards and facilitating the migration of affected LPTV stations to alternate channels. Id at ¶¶ 145-147.³ Thus, the LPTV service already has received significant accommodation. CBA presents no public interest grounds to warrant further Commission action for its protection, especially on the scale proposed by CBA.

Adoption of CBA's proposal would cause chaos among broadcast licensees and would seriously hamper the Commission's efforts to expeditiously implement DTV operations. A substantial majority of the allotments proposed by CBA are different from those already adopted by the Commission. For instance, 14 out of 18 of the stations controlled by Gannett Co., Inc., would be affected directly. Virtually every television station in the country also would be affected indirectly through the shift in co- and adjacent channel allotments in their markets and those surrounding them. Were the Commission to adopt CBA's proposal, the tremendous efforts to analyze the market impact and interference issues of the current allotment table already undertaken by licensees, to say nothing of the ongoing efforts of these licensees to adapt to their new allotments, would be wasted. The entire process would need to begin again.

³ In addition, the Commission has indicated that in the future it will consider the feasibility of giving LPTV stations primary status on a discreet set of channels. Id. at ¶ 143.

Finally, the DTV conversion process has now reached a critical juncture and must move forward expeditiously. The first DTV stations are scheduled to begin operations in a little more than a year. The reengineering required by CBA's proposal would make such a schedule impossible to meet. As expeditious deployment is crucial to the future success of DTV, CBA's disruptive late-day proposal is untimely in the extreme.

Conclusion

CBA has had ample opportunity to make its case for preservation of LPTV operations. The Commission has duly considered CBA's positions, and already has taken substantial steps to accommodate the LPTV service. The Commission cannot countenance CBA's last minute sweeping proposal which would disrupt all that has been achieved so far to implement DTV technology.⁴ Adoption of such a proposal simply would not serve the public interest. Thus, for the foregoing reasons, CBA's Petition should be denied.

Respectfully submitted,

By: 

Benjamin J. Griffin
Robert L. Galbreath

REED SMITH SHAW & McCLAY LLP
1301 K Street, N.W.
Suite 1100 - East Tower
Washington, D.C. 20005-3317
202) 414-9200

Counsel for

Gannett Co., Inc.
California Oregon Broadcasting,
Inc.
Lee Enterprises Incorporated
(KGUN)

September 23, 1997

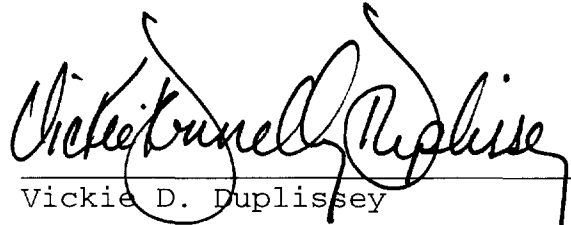
⁴ CBA admits that its new allotment plan is "far from perfect" and that further study is needed to achieve its goals. Such additional study can only delay and hinder the process even further.

CERTIFICATE OF SERVICE

I, Vickie D. Duplissey, a secretary with the law firm of Reed Smith Shaw & McClay LLP, do hereby certify that this 23rd day of September, 1997, I have caused the foregoing "Joint Opposition to Petition for Reconsideration" to be delivered via first class mail, postage prepaid, to the following:

Peter Tannenwald
Elizabeth A. Sims
Irwin, Campbell & Tannenwald, P.C.
1730 Rhode Island Ave., N.W., Suite 200
Washington, D.C. 20036-3101

Counsel for Community Broadcasters
Association



Vickie D. Duplissey